

SURREY COUNTY COUNCIL**CABINET****DATE: 25 SEPTEMBER 2018****REPORT OF: MS DENISE TURNER-STEWART, CABINET MEMBER FOR COMMUNITY SERVICES****MRS HELYN CLACK, LEAD CABINET MEMBER FOR CORPORATE SUPPORT****LEAD OFFICER: JASON RUSSELL, EXECUTIVE DIRECTOR, HIGHWAYS, TRANSPORT & ENVIRONMENT****SUBJECT: PROVISION OF PERSONAL PROTECTIVE EQUIPMENT FOR SURREY FIRE & RESCUE SERVICE****SUMMARY OF ISSUE:**

Surrey Fire and Rescue Service (SFRS) has a statutory duty to provide firefighters with appropriate Personal Protective Equipment (PPE), compliant with the Personal Protective Equipment at Work Regulations 1992, in order that SFRS can conduct its statutory core functions in line with the Fire and Rescue Services Act 2004 (Fire safety, Fire-fighting, Road traffic accidents, Emergencies).

The current contract (in collaboration with the South East and Eastern Regional Fire Services) was awarded to Cosalt Ballyclare Ltd for a fully managed service providing firefighting PPE. The contract commenced in early 2012 and will expire on 8 January 2020. A new solution will need to be ordered and implemented prior to expiry of this contract.

The required PPE ensemble includes Fire Tunics, Fire Trousers, Fire Hoods, Fire Gloves, Rescue Gloves, Leather Fire Boots, Rescue Jackets, and a Helmet.

The logistics of manufacturing and lead in times of PPE means that new ensembles must be ordered by no later than December 2018 with contract payments commencing January 2020. Failure to place an order within these timescales will leave the service unable to deliver its core functions from 8 January 2020 when the existing contract expires unless alternative arrangements are put in place. This lead time is required to ensure that the new contract can be effectively mobilised, including the measuring of the SFRS establishment, manufacture of PPE, and user training in compliance with the PPE at Work Regulations 1992.

SFRS and Procurement Service assessed options for ensuring continuity of this essential service and concluded that engaging with the sole service provider on the Kent and Medway Fire and Rescue Authority (Kent Fire and Rescue Service or KFRS) Framework Agreement for the Provision of Personal Equipment for Firefighters will provide best value for money.

RECOMMENDATION:

Following consideration of the Part 2 report it is recommended that:

Cabinet approves the award of a contract for a supply and fully managed service provision of Personal Protective Equipment for an eight year period to Bristol Uniforms Ltd. The contract will be a call-off from the Kent and Medway Fire and Rescue Authority Framework Agreement for the Provision of Personal Equipment for Firefighters to commence on 9 January 2020.

REASONS FOR RECOMMENDATIONS:

Surrey Fire and Rescue Service (SFRS) has a statutory duty to provide firefighters with appropriate Personal Protective Equipment (PPE).

The current contract expires on 8 January 2020 and SFRS requires the replacement of the existing PPE to ensure the Council (as the Fire Authority) fulfils its legal duties under the Fire and Rescue Services Act 2004 and the Health and Safety Act 1974. An eight year contract period is required as this is the lifespan of the PPE ensemble.

Procuring the services through this Framework has been identified as providing the best route to market and will allow SFRS to obtain efficiency savings over the contract duration due to the collaborative approach with neighbouring Fire and Rescue Services, set out further in paragraph 16.

DETAILS:**Background:**

1. Surrey County Council entered into a contract in early 2012 with Cosalt Ballyclare Ltd for a fully managed service providing firefighting PPE in collaboration with the South East and Eastern Regional Fire Services. This current fully managed contract will expire on 8 January 2020 and therefore a new solution will need to be implemented.
2. Recent reports from Sir Ken Knight and the Department for Communities and Local Government, have indicated that Procurement of firefighters' PPE throughout UK Fire and Rescue Services (FRS) is uncoordinated, resulting in multiple specifications and inconsistent pricing.
3. The Home Office has fully supported and promoted a new Framework developed by KFRS (Framework Agreement for the Provision of Personal Protective Equipment for Firefighters). This framework is now in place effective from 13 June 2017, and has been awarded to a single supplier 'Bristol Uniforms Limited'.
4. This Framework will provide access to high quality PPE ensembles through a fully managed service, suitable for the varying roles and activities faced by the modern firefighter incorporating innovative and economic designs with the use of high performance fabrics and fibres, offering maximum comfort, manoeuvrability and protection.

5. The objective of the Kent PPE Framework was to provide a framework which allows Fire and Rescue Services (FRSs) to establish call-off contracts for the supply of suitable PPE ensembles for operational staff to undertake a range of activities. It explored innovation in PPE design, fabrics and methods to achieve the best possible ergonomic solutions for a diverse workforce.
6. The fully managed service covers all measuring services, fair wear and tear replacements or repairs, provision of 24 hour emergency pool stock, full audits and tracking of PPE, and laundry services, including the provision to treat contaminated PPE which has been exposed to toxic or hazardous materials and need to be cleaned in a specially controlled environment.
7. An options analysis has been conducted as detailed in the following section 'Procurement Options Considered', and the preferred option is a fully managed service as opposed to in-house. An in-house service would create significant logistic pressure within the Service, with storage space being required, laundry equipment needing to be installed and staff needing to be employed to manage the process.
8. The managed service provides flexibility with an annual review of staff numbers without penalties. This means the total PPE provision can be flexed throughout the term of the contract ensuring there is not an over provision due to any potential future configuration changes within the Public Safety Plan. As such the managed service is the preferred option.
9. Due to the commercial sensitivity involved in the contract award process, the financial details of the potential supplier has been circulated as a confidential Part 2 report.

Procurement Options Considered

10. SFRS and Procurement Service evaluated options for ensuring continuity of the provision of this essential service and are as follows:-
11. Kent and Medway Fire and Rescue Authority Framework Agreement for the Provision of Personal Equipment for Firefighters
12. The KFRS Framework Agreement for the Provision of Personal Equipment for Firefighters has been supported by the Home Office and National Fire Chiefs Council and has been fully evaluated by wearers and Trade Union Representatives (National Fire Brigades Union). This framework is in place effective from 13 June 2017. The Framework provides a comprehensive risk assessment and will ensure compliance with Health and Safety requirements (Personal Protective Equipment at Work Regulations 1992), and will incorporate innovative design to cater for modern firefighter activities.
13. The objective of the KFRS Framework was to provide a framework which allows Fire and Rescue Services (FRSs) to establish call-off contracts for the supply of suitable PPE ensembles for operational staff in order to enable the staff to undertake their work safely.
14. The economy of scale of a greater number of ensembles purchased through a managed service creates significant savings through the life of the contract period. 29 FRSs have registered interest with the Kent Framework, with

Essex, Kent and London already signed up and confirmation that East and West Sussex intend to call off contracts for fully managed services through this Framework.

15. The cost model enables volume discounts, optimising the collective buying power of the FRS and generating cashable savings and other benefits in terms of reduction in time and resources to place a call-off via this framework. All UK FRSs are named on this framework.
16. The comprehensive service and the opportunity to benefit from collective buying power of multiple FRSs lead to selecting this Framework as a preferred route to market.
17. Procurement have conducted a detailed review of alternative contractual routes to market including: Tendering ourselves via a full Official Journal of the European Union (OJEU) process and accessing alternative frameworks. Procurement also considered implementing an In-House Solution with East and West Sussex, however this was discounted as a viable option due to lack of capacity to implement the required infrastructure.
18. Whilst SCC have opted for a fully managed service, a benchmarking exercise was conducted. Purchase only costs of PPE on the KFRS Framework were compared with costs available on a similar framework via the Eastern Shires Purchasing Organisation (ESPO). It can be seen that the average cost of PPE on the ESPO Framework is approximately 14% more expensive than the KFRS Framework.

Recommendation to Award a Contract

19. It is recommended that SCC award a contract for PPE to Bristol Uniforms under the Kent and Medway Fire and Rescue Authority Framework Agreement for the Provision of Personal Equipment for Firefighters.
20. A summary of the tender process is described in the confidential Part 2 Annex.
21. Compared to current costs the new contract is expected to deliver annual savings of approximately 16%.

CONSULTATION

22. Kent FRS undertook consultation from the earliest stage of the Framework development with all participating FRS to agree the risk assessment, user specification and undertaking of user trials. Prior to approaching the market FRSs were asked to sign an Inter Authority Agreement to state that they were interested in placing call off contracts from the framework once it was awarded. Twenty FRSs signed the agreement which totals approximately 20,600 firefighters. SFRS currently have an establishment size of 570 firefighters (450 whole-time and 120 on-call).
23. Consultation was undertaken with the Fire Brigades Union (FBU – National, Region and Local).

RISK MANAGEMENT AND IMPLICATIONS:

24. The following key risks associated with the contract and contract award have been identified, along with mitigation activities.

Category	Risk Description	Mitigation Activity
Financial / Reputational	Failure to supply fit for purpose PPE could result in litigious claims against the County Council should performance failures be seen as a contributory factor in injury or harm to firefighters.	A specialist contractor to be appointed following robust contract procurement exercise. Regular contract performance meetings to ensure adherence to specification and agree recovery actions if required.
Reputational	The successful supplier does not have necessary skills, experience and technical knowledge to satisfactorily complete the elements of the contract.	In order to assess skills and experience of potential suppliers they have undergone a Pre-Qualification before being invited to tender. The tender process also included 60% quality element towards overall contract award criteria.
Financial / Reputational	The successful supplier is unable to mobilise the new contract before the expiry of the current contract.	A contract mobilisation period of one year has been allowed in order to ensure the successful supplier has adequate mobilisation time.
Financial	Prices may increase during the contract term.	The pricing model that was agreed allowed for variable pricing and shall be subject to annual indexation based on the Consumer Price Index for the Non Labour related element of the Service Charge and Average Weekly Earnings for the Labour related element of the charge.

Financial and Value for Money Implications

25. Full details of the contract value and financial implications are set out in the Part 2 report.

Section 151 Officer Commentary

26. This contract cost is provided for within the current 2018-21 Medium Term Financial Plan.

27. This contract provides flexibility for any future changes in firefighter numbers, and is expected to generate annual revenue savings of £67,692 in comparison to the existing contract costs. This will contribute towards future required savings.

Legal Implications – Monitoring Officer

28. Surrey County Council is the fire and rescue authority for the county by virtue of the Fire and Rescue Services Act 2004 (the Act). The Council is under a duty in Section 7 of the Act, among others things, to extinguish fires and protect life and property in the event of fires in its area. In discharging this function the Council must “secure the provision of the personnel, services and equipment necessary efficiently to meet all normal requirements”. This duty includes the provision of PPE for firefighters.
29. Furthermore, the Council is subject to a duty of best value under Section 3 of the Local Government Act 1999 to “secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.” By evaluating the options for re-procurement and deciding to enter into a new collaborative arrangement, the Council is complying with this duty.
30. The procurement of goods or services by the Council is governed by the Public Contracts Regulations 2015 and the Council’s own Procurement Standing Orders. The utilisation of the Kent framework complies with the Council’s legal obligations and is calculated to be the most economically advantageous procurement method in the circumstances.
31. Cabinet will want to satisfy itself that the proposed arrangements provide adequate safeguards for the fire-fighters it employs while also maintaining its fiduciary duty to secure a balanced budget for the Council.

Equalities and Diversity

32. A comprehensive Equality Impact Assessment has been completed as part of the project outcomes.
33. As part of the tending process for this Framework the preferred suppliers submitted their Equality and Diversity policies. These policies satisfied the requirement of the Framework.
34. A comprehensive wearer evaluation has been undertaken by participating services involving male and female firefighters and consideration has been given for those with different statures. SFRS have had opportunity to inspect the PPE ensemble.
35. The preferred supplier, who had to satisfy the following elements to support a diverse workforce, fully met the Kent Framework requirements.
36. Improvements in terms of adjustment to allow comfortable use and ensuring that a “fit” for the PPE ensemble is achieved for all firefighters regardless of size, gender or religion.

37. Developments in PPE technology mean that more ergonomically designed and fully adjustable fire helmets are now available to meet the needs of firefighters with various statures and sizes.

WHAT HAPPENS NEXT:

Following Cabinet approval, the Service will access the Kent Framework and place an order with Bristol Uniforms Ltd for the purchase of a fully managed service for PPE.

A full implementation programme will commence to deliver against set timescales of transition.

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Consulted:

Surrey Fire and Rescue Service

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Surrey Legal Services and Surrey Finance

East Sussex Fire Service

West Sussex Fire Service

Annexes:

Confidential Part 2 paper

EIA

Sources/background papers:

- None

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